

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN SENATE JUNE 4, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1172**

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**Introduced by Assembly Member Galgiani**

February 27, 2009

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An act to amend Section 75470 of, to amend the heading of Chapter 5 (commencing with Section 75470) of Part 8 of Division 21 of, ~~and to add Chapter 8 (commencing with Section 74660) to Part 5 of Division 21 of, the Water Code, relating to the Eastern San Joaquin County Water District, and to add Section 74200.5 to, the Water Code, and to add Sections 4.5 and 5.5 to Chapter 819 of the Statutes of 1971, relating to water conservation districts.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 1172, as amended, Galgiani. Eastern San Joaquin County Water District.

~~(1) Existing~~

*Existing* law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes procedures for the consolidation of special districts. The Water Conservation District Law of 1931 generally governs the formation of water conservation districts and specifies the powers and purposes of those districts.

This bill would specify the powers ~~and purposes~~ of the Eastern San Joaquin County Water District (district) *to fix and collect specified charges, and to continue to collect specified charges and assessments*, on and after the date on which the San Joaquin Local Agency Formation Commission approves the consolidation of the Stockton-East Water

District and the Central San Joaquin Water Conservation District. ~~The district would be organized into 9 divisions and the board of directors of the district would consist of 9 members. By imposing requirements on the district, the bill would impose a state-mandated local program. The bill would authorize the board of directors to reduce the number of its members to 7 and the number of the district's divisions to 7. The bill would state the findings and declarations of the Legislature concerning the need for special legislation.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~The bill would also authorize a local agency formation commission, in approving the consolidation or reorganization of 2 or more districts into a single water conservation district, to temporarily increase the number of members on the board of directors of the consolidated or reorganized district, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Chapter 8 (commencing with Section 74660) is~~  
2     ~~added to Part 5 of Division 21 of the Water Code, to read:~~

3  
4     ~~CHAPTER 8. PROVISIONS APPLICABLE TO EASTERN SAN JOAQUIN~~  
5     ~~COUNTY WATER DISTRICT~~

6  
7     ~~74660. For the purposes of this chapter, "district" means the~~  
8     ~~Eastern San Joaquin County Water District.~~

9     ~~74661. On and after the date on which the San Joaquin County~~  
10    ~~Local Agency Formation Commission, in accordance with Division~~  
11    ~~3 (commencing with Section 56000) of Title 5 of the Government~~  
12    ~~Code, approves the consolidation of the Stockton-East Water~~  
13    ~~District and the Central San Joaquin Conservation District, all of~~  
14    ~~the following apply:~~

15    ~~(a) The name of the consolidated district shall be the Eastern~~  
16    ~~San Joaquin County Water District.~~

~~(b) The district shall be governed by Chapter 819 of the Statutes of 1971, as amended, and this division to the extent not inconsistent with that chapter.~~

~~(c) Notwithstanding subdivision (b), for the purpose of imposing a groundwater charge or assessment, the district may exercise the authority granted by Chapter 819 of the Statutes of 1971, as amended, or Part 9 (commencing with Section 75500).~~

~~(d) Notwithstanding Section 74200, upon the formation of the district in accordance with Division 3 (commencing with Section 56000) of Title 5 of the Government Code, the district shall be organized into nine divisions and the board of directors shall consist of nine members.~~

~~(e) The boundaries of the divisions of the district upon its formation shall be as determined by the San Joaquin County Local Agency Formation Commission.~~

~~(f) (1) The board of directors of the district may reduce the number of its members to seven.~~

~~(2) If the board of directors takes action pursuant to paragraph (1), the board of directors shall reduce the number of its divisions to seven in accordance with Sections 74430 to 74432, inclusive.~~

*SECTION 1. Section 74200.5 is added to the Water Code, to read:*

*74200.5. (a) Notwithstanding any other provision of this part, the local agency formation commission, in approving either a consolidation of districts or the reorganization of two or more districts into a single water conservation district may, pursuant to subdivisions (k) and (n) of Section 56886 of the Government Code, increase the number of directors to serve on the board of directors of the consolidated or reorganized district to 7, 9, or 11, who shall be members of the board of directors of the districts to be consolidated or reorganized as of the effective date of the consolidation or reorganization.*

*(b) Unless the local agency formation commission provides for an alternative schedule for reducing the size of the board of directors of the consolidated or reorganized district, upon the expiration of the terms of the members of the board of directors of the consolidated or reorganized district whose terms first expire following the effective date of the consolidation or reorganization, the total number of members on the board of directors shall be reduced until the number equals 5, 7, or 9, as may be determined*

1 *by the local agency formation commission in approving the*  
2 *consolidation or reorganization.*

3 *(c) In addition to the powers granted under Section 1780 of the*  
4 *Government Code, in the event of a vacancy on the board of*  
5 *directors of the consolidated or reorganized district at which time*  
6 *the total number of directors is greater than five, the board of*  
7 *directors may, by majority vote of the remaining members of the*  
8 *board, choose not to fill the vacancy. In that event, the total*  
9 *membership of the board of directors shall be reduced by one*  
10 *board member. Upon making the determination not to fill a*  
11 *vacancy, the board of directors shall notify the board of supervisors*  
12 *of its decision.*

13 SEC. 2. The heading of Chapter 5 (commencing with Section  
14 75470) of Part 8 of Division 21 of the Water Code is amended to  
15 read:

16  
17 CHAPTER 5. EASTERN SAN JOAQUIN COUNTY WATER DISTRICT  
18 CHARGES  
19

20 SEC. 3. Section 75470 of the Water Code is amended to read:  
21 75470. (a) The Eastern San Joaquin County Water District,  
22 in addition to its other powers, may fix and collect charges as  
23 provided in this chapter.

24 (b) As used in this chapter, “district” means the Eastern San  
25 Joaquin County Water District.

26 (c) *If the board has complied with the procedures set forth in*  
27 *this chapter, as it read at the time charges were established*  
28 *pursuant to Sections 75471 and 75471.5, the board may, by*  
29 *resolution, continue to collect the charges in successive years at*  
30 *the same rate, consistent with Article XIII D of the California*  
31 *Constitution.*

32 SEC. 4. Section 4.5 is added to Chapter 819 of the Statutes of  
33 1971, to read:

34 Sec. 4.5. *Notwithstanding any other provision of this act,*  
35 *including subdivision (q) of Section 4 of this act, as used in this*  
36 *act, “district” means the Eastern San Joaquin County Water*  
37 *District.*

38 SEC. 5. Section 5.5 is added to Chapter 819 of the Statutes of  
39 1971, to read:

1     *Sec. 5.5. (a) If the board has complied with the procedures*  
2 *set forth in this act, as it read at the time that a groundwater*  
3 *assessment was established pursuant to this act, the board may,*  
4 *by resolution, continue to collect the groundwater assessment in*  
5 *successive years at the same rate, consistent with Article XIII D*  
6 *of the California Constitution.*

7     *(b) If the board has complied with the procedures set forth in*  
8 *this act, as it read at the time that a charge for stream-delivered*  
9 *water were established pursuant to this act, the board may, by*  
10 *resolution, continue to collect the charge in successive years at*  
11 *the same rate, consistent with Article XIII D of the California*  
12 *Constitution.*

13     *SEC. 6. Sections 2, 3, 4, and 5 of this act shall become*  
14 *operative on the effective date of the consolidation or*  
15 *reorganization of the Stockton-East Water District and the Central*  
16 *San Joaquin Water Conservation District into a single water*  
17 *conservation district, as determined by the San Joaquin County*  
18 *Local Agency Formation Commission pursuant to the*  
19 *Cortese-Knox-Hertzberg Local Government Reorganization Act*  
20 *(Division 3 (commencing with Section 56000) of Title 5 of the*  
21 *Government Code). The commission shall transmit a notice within*  
22 *30 days of that consolidation or reorganization to the Secretary*  
23 *of State.*

24     ~~SEC. 4.~~

25     *SEC. 7. The Legislature finds and declares that Sections 3 to*  
26 *5, inclusive, of this act, which is applicable only to the Eastern San*  
27 *Joaquin County Water District, is necessary because of the*  
28 *consolidation of the Stockton-East Water District and the Central*  
29 *San Joaquin Water Conservation District. It is, therefore, hereby*  
30 *declared that a general law within the meaning of Section 16 of*  
31 *Article IV of the California Constitution cannot be made applicable*  
32 *to the Eastern San Joaquin County Water District and the enactment*  
33 *of this special law is necessary for the public good.*

34     ~~SEC. 5. No reimbursement is required by this act pursuant to~~  
35 ~~Section 6 of Article XIII B of the California Constitution because~~  
36 ~~the only costs that may be incurred by a local agency or school~~  
37 ~~district are the result of a program for which legislative authority~~  
38 ~~was requested by that local agency or school district, within the~~

- 1 ~~meaning of Section 17556 of the Government Code and Section~~
- 2 ~~6 of Article XIII B of the California Constitution.~~

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